

Model Policy: Employee resignation

Why you need this model policy:

Establishing a formal policy for employee resignation will help ensure that staff transitions go smoothly; the firm treats employees fairly and consistently; and legal requirements are followed.

How this model policy helps you:

Use this model policy as a guide to establish a formal, written policy for employee resignation.

How to use this model policy:

Adapt this model policy as required for your law firm. This material is for informational purposes only and not for the purpose of providing legal advice. You should always contact your attorney to determine if this information, and your interpretation of it, is appropriate to your particular situation.

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Objective

Although [Law Firm] hopes that employment with the firm will be a mutually rewarding experience, it is understood that varying circumstances do cause staff to voluntarily resign employment. Should this time come, employees are asked to follow the guidelines below regarding notice and exit procedures.

Procedures

Notice of resignation. Employees are encouraged to provide two weeks' notice to facilitate a smooth transition out of the organization. If an employee provides less notice than requested, the firm may deem the individual to be ineligible for rehire depending on the circumstances regarding the notice given.

Form of resignation notice. All resignations must be confirmed in writing.

Pay in lieu of notice. Firm management reserves the right to provide an employee with two weeks' pay in lieu of notice in situations where job or business needs warrant. Such a decision should not be perceived as reflecting negatively on the employee, given that it may be due to a variety of reasons not known to the individual or other employees.

Resignation for failure to report to work. Employees who fail to report to work for three consecutive days without properly communicating to their supervisor or manager the reasons for their absence will be viewed as voluntarily resigning their employment as of the third day.

Rescission of resignation. Employees will not be allowed to rescind a resignation, whether given verbally or in writing, once the resignation has been confirmed by the firm. Employees who wish to discuss concerns about their continued employment before making a final decision to resign are encouraged to do so.

Eligibility for rehire. Employees who resign in good standing under this policy and whose documented performance is above average according to the firm's performance standards will be eligible for reemployment for a period of up to six months from the last date of employment, with benefits tied to seniority reinstated in full. Former employees will be considered for open positions along with all other candidates. Former employees who apply for reemployment after six months will be treated as new employees for purposes of seniority-related benefits.

Reporting of employee departures. All departing employees, regardless of the circumstances surrounding their departure, will be reported to all staff when deemed necessary by management. Those with a need to know (e.g., supervisors, payroll, front desk, IT, and security) will be advised of the last day of actual work for the company.

Exit meeting. Resigning employees will be scheduled for an exit meeting to ensure that all tools and equipment are returned and to provide an opportunity to discuss any questions or concerns related to employment with [Law Firm]. Employees who fail to return any company property, including keys, credit cards, tools, cellular phones, laptops, and other equipment, will be deemed ineligible for rehire and may be subject to legal proceedings on behalf of [Law Firm].

Forwarding address and final pay. Departing employees will be asked to confirm their forwarding address to ensure that benefits and tax information are received in a timely manner. Final pay will be mailed to this address by the next payday unless state law or other procedures dictate otherwise. Accrued but unused vacation will be paid out consistent with firm vacation policy and state law requirements.

